





ARIZONA CORPORATION COMMISSION

ORIGINAL

DATE:

SEPTEMBER 15, 2016

DOCKET NO.:

W-01445A-05-0701

SEP 15 2016

Arizona Corporation Commission DOCKETED

DOCKETED BY

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

> ARIZONA WATER COMPANY (ORDER EXTENDING TIME DEADLINE IN DECISION NOS. 68919, 70527, 71708, 73518, and 74980)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

SEPTEMBER 26, 2016

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

OCTOBER 27, 2016 AND OCTOBER 28, 2016

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

ECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET; PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET; TUCSON, ARIZONA 85701-1347 www.azcc.gov

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov.

On this day of September, 2016, the following document was filed with Docket Control as a Recommended Order from the Hearing Division, and copies of the document were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the filed document to the following who have consented to email service.

E. Robert Spear ARIZONA WATER COMPANY P.O. Box 29006 Phoenix, AZ 85038

Janice Alward, Chief Counsel Legal Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, AZ 85007

Thomas Broderick, Director Utilities Division ARIZONA CORPORATION COMMISSION 1200 West Washington Street Phoenix, AZ 85007

By:

Rebecca Tallman

Assistant to Yvette B. Kinsey

1	BEFORE THE ARIZONA CORPORATION COMMISSION		
2	<u>COMMISSIONERS</u>		
3 4	DOUG LITTLE – Chairman BOB STUMP BOB BURNS TOM FORESE		
5	ANDY TOBIN		
6 7	IN THE MATTER OF THE APPLICATION OF DOCKET NO. W-01445A-05-0701 ARIZONA WATER COMPANY, AN ARIZONA CORPORATION TO EXTEND ITS CERTIFICATE DECISION NO.		
8	OF CONVENIENCE AND NECESSITY FOR ITS SUPERSTITION SYSTEM, PINAL COUNTY, ARIZONA. ORDER EXTENDING TIME DEADLINE IN DECISION NOS. 68919, 70527, 71708, 73518, and 74980		
10			
11 12	Open Meeting October 27 and 28, 2016 Phoenix, Arizona		
13	BY THE COMMISSION:		
14	* * * * * * * * *		
15	Having considered the entire record herein and being fully advised in the premises, the		
16	Commission finds, concludes, and orders that:		
17	FINDINGS OF FACT		
18	1. On August 29, 2006, the Commission issued Decision No. 68919, which granted Arizona		
19	Water Company ("AWC") an extension of its Certificate of Convenience and Necessity ("CC&N") for		
20	its Superstition system in Pinal County, Arizona, 1		
21	2. In Decision No. 68919, AWC was required to file, among other things, the following		
22	compliance items:		
23	a. A Notice of filing indicating AWC had submitted for Staff's review and		
24	water facilities for the requested extension areas within two years of the effective		
25	b. A copy of the developer's Certificate of Assured Water Supply ("CAWS") where applicable or when required by statute within two years of the effective date of the Decision ²		
26			
2728	 Decision No. 68919 was subsequently amended to allow AWC more time to comply in Decision Nos. 70527, 71708, 73518, and 74980. AWC has met all other compliance deadlines except for the above listed items. 		

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DECISION NO.

- 3. On June 13, 2016, AWC filed its fifth request for additional time, until August 29, 2026, to meet the above compliance items. In support of its request, AWC states that extraordinary circumstances exist due to the deep recession and the crash of the real estate market over the past several years, and that there is a continuing need for service in the extension area as evidenced by a letter from the property owner expressing a need for service in the future from AWC.
- On July 26, 2016, the Commission's Utilities Division ("Staff") filed a Memorandum 4. stating that Staff does not object to the Company's request for an extension of time, until August 29, 2026, to file the MXA and CAWS as set forth in Decision No. 68919.
- 5. AWC has filed a timely request for an extension of the compliance deadlines to obtain the MXAs and CAWS as required in Decision No. 68919. Based on the developer/property owner's letter demonstrating a continuing need for service in the extension area from AWC, and AWC's stated effect of the economy on development in the extension area, we find that AWC's request for an extension of time to comply with Decision No. 68919 is reasonable and should be granted.

CONCLUSIONS OF LAW

- 1. AWC is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.
 - 2. The Commission has jurisdiction over AWC and the subject matter of this proceeding.
- 3. It is reasonable and in the public interest to grant AWC's request for a time extension of time, until August 29, 202 6, to file the MXAs and CAWS for the extension area approved in Decision No. 68919.

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ORDER 1 IT IS THEREFORE ORDERED that Arizona Water Company is hereby granted an extension 2 of time, until August 29, 2026, to comply with Decision No. 68919 by filing a copy of a fully executed 3 main extension agreements for water facilities needed for the extension area and a copy of the 4 developer's Certificate of Assured Water Supply, where applicable or when required by statute. 5 IT IS FURTHER ORDERED that this Decision shall become effective immediately. 6 BY ORDER OF THE ARIZONA CORPORATION COMMISSION. 7 8 9 **COMMISSIONER STUMP** CHAIRMAN LITTLE 10 11 12 COMMISSIONER TOBIN **COMMISSIONER BURNS** COMMISSIONER FORESE 13 14 IN WITNESS WHEREOF, I, JODI A. JERICH, Executive Director of the Arizona Corporation Commission, have hereunto 15 set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, 16 day of 2016. 17 18 JODI A. JERICH 19 **EXECUTIVE DIRECTOR** 20 DISSENT 21 22 DISSENT 23 YK:aw(rt) 24 25 26 27 28

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DECISION NO.

1	SERVICE LIST FOR:	ARIZONA WATER COMPANY	
2	DOCKET NO.:	W-01445A-05-0701	
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4	ARIZONA WATER COMPANY P.O. Box 29006 Phoenix, AZ 85038		
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6	Janice Alward, Chief Counsel Legal Division ARIZONA CORPORATION COMMISSI 1200 West Washington Street Phoenix, AZ 85007		
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9	Thomas Broderick, Director Utilities Division		
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